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To: Board Members

Date: May 16, 2011

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Subject: Annual License Renewal for Grandparented LPCCs

Background

Senate Bill 788, Chapter 619, Statutes of 2009 established the Licensed Professional Clinical Counselor Act, which requires the Board of Behavioral Sciences (BBS) to license and regulate Professional Clinical Counselors (LPCCs), beginning January 1, 2011.

Business and Professions Code (BPC) section 4999.54 sets forth requirements for licensure during a grandparenting period, January 1, 2011 through June 30, 2011. There are two pathways to LPCC licensure during the grandparenting period; one path applies to Board licensed MFTs and LCSWs and a second path applies to all other applicants not licensed by the Board. All applicants during the grandparenting period must meet education requirements that include all the core content areas required for applicants entering after the grandparenting period. Examination requirements differ, depending on the method of qualification for licensure. MFTs and LCSWs are required to successfully complete a "gap examination" prior to licensure. Non-Board licensees must pass a total of three exams, in addition to meeting the education and experience requirements; the National Counselor Examination for Licensure and Certification (NCE) or the Certified Rehabilitation Counselor Examination, the National Clinical Mental Health Counselor Examination (NCMHCE), and California Law and Ethics Examination developed by the Board.

Provisions of SB 788 allow the Board some discretion in the examination requirements for those applying after the grandparenting period. Specifically, BPC section 4999.52 requires that the Board evaluate the national examination options, such as the NCE and the NCMHCE to determine if such examinations meet the prevailing standards for the validation and use of licensing and certification, and, further, gives the Board the authority, if it is determined that the national examination does not meet the standards for use, to require a passing score on one of more board administered examinations, to include elements of California jurisprudence and ethics.

On March 24, 2011 the Licensing and Examination Committee recommended the Board adopt the NCMHCE in place of the Board administered Standard Written examination, applicants for licensure after the grandparenting period will have to take and pass a California Law and Ethics examination and the NCMHCE as a condition of licensure.

The Table below outlines generalized requirements for LPCC licensure, delineated by pathway the applicant utilizes to qualify for licensure.

	Grandparenting Period		Applicants beginning graduate study before August 1, 2012
	Non BBS Licensed Applicant	MFT or LCSW Applicant	
Education	1. Qualifying degree with 48 semester units or 72 quarter units ¹ , seven of the nine core content areas; must complete all core content areas before licensure ² 2. Specified additional coursework ³ ; 3. Six semester units or nine quarter units of supervised practicum ⁴	1. Qualifying degree with seven of the nine core content areas; must complete all nine areas before licensure. 2. Six semester units or nine quarter units of supervised practicum ⁵	1. Qualifying degree with seven of the nine core content areas; must complete all nine areas before licensure; 2. Additional coursework ¹ ; 3. 12 semester units or 18 quarter units of advanced coursework ⁶ ; 4. Six semester units or nine quarter units of practicum.
Experience	1,700 supervised experience hours	none	3,000 post degree hours of specified supervised experience
Examination	1. National Counselor Examination for Licensure and Certification OR the Certified Rehabilitation Counselor Examination 2. National Clinical Mental Health Counselor Examination 3. CA Law & Ethics	Gap Exam	1. CA law & ethics 2. National Clinical Mental Health Counselor Examination ⁷

¹ Degrees issued prior to 1996 shall include a minimum of 30 semester units or 45 quarter units

² Degree issued prior to 1996 must have at least six of the nine core content areas.

³ Additional Coursework pursuant to BPC 4999.32(e) includes courses in substance abuse, human sexuality, psychopharmacology, partner abuse, child abuse long term care, crisis counseling and California law and ethics.

⁴ Degrees issued prior to 1996 shall include three semester units or four and one-half quarter units of practicum

⁵ Degrees issued prior to 1996 shall include three semester units or four and one-half quarter units of practicum

⁶ Additional Advanced Coursework pursuant to BPC (c)(2) "...to develop knowledge of specific treatment issues, special populations, application of counseling constructs, assessment and treatment planning, clinical interventions, therapeutic relationships, psychopathology, or other clinical topics."

⁷ Based on the Board's Licensing and Examination Committee Recommendation. Board vote pending at the time this document was drafted.

Annual Renewal for Grandparented Licensees

BPC section 4999.56 sets forth additional conditions for licenses issued during the grandparenting period to non Board licensed applicants. LPCCs that did not qualify for grandparenting licensure as an MFT or LCSW have the following additional conditions on his or her LPCC license:

1. The license must be renewed annually; and,
2. The license is valid for six years from issuance, and shall be cancelled unless the licensee passes the examinations required by the Board on or after January 1, 2012, unless the licensee documents he or she has already passed those examinations.

The intent of this section of law was to ensure that all licensees meet the same threshold for demonstrating the ability to competently practice professional clinical counseling in California by requiring grandparented licensees to take the same licensure examination as all other California LPCCs. If the Board required a Board administered standard written examination, all grandparented licensees that qualified for licensure by passing two national examinations would have to take the board administered exam, consistent with all other LPCCs, within a seven year period or the license would be cancelled as an operation of law. If a grandparented licensee subject to these conditions has already obtained a passing score on the licensure examination required by the Board after January 1, 2012, that licensee would not have to retake that exam, but only provide proof of successful completion to the Board to satisfy the requirement. The intent of this provision was to accommodate the Board adopting a national exam, in which case there would be no difference in the examination completed by grandparented licensees and all other licensees.

Adoption of National Examination

If the Board decides to concur with the recommendation of the Committee to adopt the NCMHCE as the licensure examination for LPCCs, all licensees except those grandparented LPCCs that qualified for licensure as an MFT or LCSW will have to obtain a passing score on the same licensure examinations; the NCMHCE and a California Law and Ethics. Now that all licensees will be taking the same exam, the Board may want to consider the need to have one subset of grandparented licenses subject to both annual renewal and possible cancellation, when the original issue has been resolved.

It could be argued that at some point in the future the Board may find the need to change examinations from the national to a board administered examination, and therefore the grandparented licensees should be subject to the standing provision to take the current examination. However, the intent of the law would not stand as there would be a licensee population, both grandparented and non-grandparented, that would have passed only the national examination. BPC section 4999.56 only applies to grandparented licensees and would not require other LPCCs that took the national examination to take a subsequent examination.

Recommendation

Review and discuss the possible issues presented regarding annual renewal of grandparented licensure. If the Board decides that licenses issued to non-Board licensees during the grandparenting period should not require annual renewal or be subject to further examination, direct staff to submit legislative amendments to repeal BPC sections 4999.56 and 4999.101 and make conforming amendments to BPC Sections, 4999.102 and 4999.104.

Attachment

Proposed Amendments

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Proposed amendments 5/12/11

Repeal BPC §4999.56.

(a) A license issued under paragraph (1) of subdivision (a) of Section 4999.54 shall be valid for six years from the issuance date of the initial license provided that the license is annually renewed during that period pursuant to Section 4999.101. After this six-year period, it shall be canceled unless the licensee does both of the following within the next renewal period:

- (1) Obtains a licensure renewal as provided in Section 4999.101.
- (2) Passes the examinations required for licensure on or after January 1, 2012, as required by the board pursuant to Section 4999.52, or documents that he or she has already passed those examinations.

(b) Upon failure to meet the requirements set forth in this section, a license issued pursuant to paragraph (1) of subdivision (a) of Section 4999.54 shall be canceled and the person shall be required to meet the requirements listed in Section 4999.50 to obtain a new license. (c) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

Repeal BPC §4999.101.

(a) A license issued under paragraph (1) of subdivision (a) of Section 4999.54 shall expire one year from the last day of the month during which it was issued.

(b) To renew an unexpired license described in subdivision (a), the licensee, on or before the expiration date of the license, shall do all of the following:

- (1) Apply for renewal on a form prescribed by the board.
- (2) Pay a renewal fee prescribed by the board.
- (3) Certify compliance with the continuing education requirements set forth in Section 4999.76.
- (4) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the licensee's last renewal.

(c) The board shall begin accepting applications for licensure renewal on January 1, 2012.

(d) If a license issued under paragraph (1) of subdivision (a) of Section 4999.54 is not renewed on or before the expiration date of the license, the license shall be canceled and the person shall be required to meet the requirements set forth in Section 4999.50 in order to obtain a new license.

(e) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

Amend BPC §4999.102.

(a) Licenses issued under Section 4999.50, ~~paragraph (2) or (3) of subdivision (a) of Section 4999.54~~, subdivision (b) of Section 4999.58, or Section 4999.60 ~~and, on and after January 1, 2018, licenses issued under paragraph (1) of subdivision (a) of Section 4999.54~~ shall expire no more than 24 months after the issue date. The expiration date of the original license shall be set by the board.

- (b) To renew an unexpired license described in subdivision (a), the licensee, on or before the expiration date of the license, shall do all of the following:
- (1) Apply for a renewal on a form prescribed by the board.
 - (2) Pay a two-year renewal fee prescribed by the board.
 - (3) Certify compliance with the continuing education requirements set forth in Section 4999.76.
 - (4) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the licensee's last renewal.

Amend BPC §4999.104.

- (a) Licenses issued under ~~Section 4999.50, paragraph (2) or (3) of subdivision (a) of Section 4999.54, subdivision (b) of Section 4999.58, or Section 4999.60 and, on and after January 1, 2018, licenses issued under paragraph (1) of subdivision (a) of Section 4999.54~~ that have expired may be renewed at any time within three years of expiration. To renew an expired license described in this section, the licensee shall do all of the following:
- (a) File an application for renewal on a form prescribed by the board.
 - (b) Pay all fees that would have been paid if the license had not become delinquent.
 - (c) Pay all delinquency fees.
 - (d) Certify compliance with the continuing education requirements set forth in Section 4999.76.
 - (e) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the licensee's last renewal.